STATE OF MICHIGAN

COURT OF APPEALS

RENEE MICKENS, Plaintiff-Appellant,	UNPUBLISHED July 31, 2003
v	No. 208269 Wayne Circuit Court
DEXTER CHEVROLET COMPANY, a/k/a HARRY SLATKIN BUILDERS, d/b/a SHERWOOD HEIGHTS APARTMENTS, and HARTMAN AND TYNER, INC., d/b/a SHERWOOD HEIGHTS APARTMENTS, Defendants-Appellees.	LC No. 96-616853-NO ON SECOND REMAND

Before: Sawyer, P.J., and Cavanagh and Fitzgerald, JJ.

SAWYER, P.J. (*dissenting*).

In my dissent on remand, I made the following observation:

> This case was not remanded to us to give plaintiff another bite at the apple on the question whether our original decision was correct. It was remanded to us to determine if, in light of *Lugo* [*v Ameritech*, 464 Mich 512; 629 NW2d 384 (2001)], a different result would be reached. It is clear from reviewing *Lugo* that it does not mandate a justifiable reason to change our original result. [*Mickens v Harry Slatkins Builders, Inc,* unpublished dissenting opinion of the Court of Appeals, issued May 3, 2002 (Docket No. 208269), slip op 1-2.]

Lugo still does not justify changing our original decision, the majority still allows plaintiffs to chomp away at the apple, and I still dissent for the reasons stated in my earlier dissent.

/s/ David H. Sawyer